HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 968/04 (S/S)

Summer Singh Pundir
Vs
State of U.A. Dehradun

Approved for reporting.

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~~No approved for reporting~~

Date of decision 19.12.05

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 968 (SS) OF 2004

Summer Singh Pundir,
S/o Sri Govind Singh Pundir,
R/o F-Block, 11/5 New Tehri,
Tehri Garhwal. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary / Chief Election Officer, Dehradun.
2. District Election Officer, Tehri Garhwal.

.....Respondents.

19.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri N.S. Pundir, learned counsel for the petitioner and learned standing counsel for the respondent no. 1 and 2.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order-dated 09.01.2004 issued by Secretary/Chief Election Officer, Dehradun i.e. respondent no. 1.

Briefly stated, the petitioner was appointed on 19th April, 1996 as Junior Clerk whereby it was stated that the petitioner would work for a period 17.04.30.09.1997. On 15.12.1997, the petitioner was again appointed as Junior Clerk by an order of District Magistrate / respondent no. 2 for a period between 15.12.1997 to 15.04.1998.

On 24th August, 1998, the Assistant District Election Officer issued an Experience Certificate in favour of the petitioner stating there that the petitioner has worked as Junior Clerk for period between 19.04.1996 to 31.12.1996, from 01.03.1997 to 31.03.1997, and from 16.12.1997 to 13.06.1998 and his work and conduct was found satisfactory.

On 06.09.1999, the petitioner was again appointed as Junior Clerk by an order of District Magistrate /respondent no. 2 for a period of four months.

On 06.01.2000, Assistant District Election Officer issued an experience certificate to the petitioner wherein, it is stated that the petitioner had worked as Junior Clerk on pay scale of Rs. 3,600/- per month, for period between 06.09.1992 to 31.12.1999 and his work and conduct was satisfactory.

On 01.01.2002 a G.O. was issued by the Secretary and Chief Election Officer pertaining to the appointment of the employees on contract basis for the forth-coming election of Member of Legislative Assembly.

In pursuance to the government order dated 01.01.2002, the petitioner was again appointed as Junior Clerk on 12.01.2002 by an order of District Magistrate / respondent 0.2 for a period between 05.01.2002 to 31.03.2002 on the pay scale of Rs. 3,600/- per month.

On 22.04.2002 an experience certificate was issued by te Assistant District Election Officer to that effect.

On 11th March, 2002 Secretary / Chief Election Officer issued Government Order, wherein it was specifically stated that the names of regular officer / employees and temporary employees who had worked for year 1996, 1998 and 1999 during the Lok Sabha and Vidhan Sabha election as Junior Clerk, Chaprasi and Messenger should be sent to this office.

On 12.04.2002 the respondent no. 2 sent a letter and the list to respondent no. 1 of the regular officer / employees and temporary employees who has worked for a period between 1996 to 1999 during the Lok Sabha and Vidhan Sabha Election.

In the aforesaid letter and list, it was clearly mentioned that in District Tehri Garhwal a post of Junior Clerk is lying vacant and further the petitioner's name was shown at Serial

No. 2 in that list, which itself shows that the petitioner had worked for the year, 1996, 1998, and 1999 as Junior Clerk during the Lok Sabha and Vidhan Sabha Election.

Petitioner has submitted that in April, 2004 in pursuance to the order dated 09.01.2004, some new persons were given appointment who were not having experience of Election Duty. But the petitioner was not given appointment because his name was not there in the order-dated 09.01.2004.

The grievance of the petitioner is that he has worked according to the said G.O., but after the year, 2002 he was not allowed to work while the persons junior to the petitioner are already working.

The petitioner has made a representation on 20th July, 2004 stating his grievances, but the same has not yet been decided. The petitioner again filed a representation on 08.10.2005, which also has not been decided.

In view of the above, the respondent no. 2 is directed to dispose of the representations dated 20.07.2004(Annexure No. 11 to the Writ Petition) and 08.10.2005 (filed as Annexure No. RA-2 in the Rejoinder Affidavit) filed by the petitioner within a period of six weeks from the filing of the certified copy of the order.

In view of the above, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

19.12.2005
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